THE REPORTER

VOL. VI, No. 11 | *For Conscience' Sake* | September 30, 1949

Unitarian Group Supports Alternative Service and Humanitarian Objections

The Western Unitarian Conference, meeting in Chicago, Illinois, passed a resolution recommending a Service and Training Program for conscientious objectors, comparable in every respect to the military Training Program now in effect under the Selective Service Act.

The same resolution also expressed a desire that belief in a Supreme Being be dropped as a requirement for the objector exemption. The concern grew out of traditional Unitarian insistence on the right of freedom of conscience. Copies were sent to the N.S.B.R.O., the Unitarian and other Service Committees, the C.C.C.O., the President, and officials of Selective Service.

The National Service Board, in its reply, pointed to the large group of objectors who interpreted the CPS program as an attempt to overcome conscription by going the second mile, and to the general unhappiness it would cause among many pacifists to invite conscription once more for the purpose of opposing it again. While this attitude was not universal, it was widespread enough, even among religious pacifists, to give serious pause to anyone contemplating a new alternative service program.

In addition to this, there are the many unsolved administrative problems facing those who would try an alternative service system, without even the skeleton framework to start with that the Army finds provided by its peacetime organization. These problems include sectarian differences, financial questions, problems regarding the type of work, and problems of church-state agreement on the nature and purposes of such a program.

Peace Churches Try Voluntary Service

The desires of this Conference, we feel, might find completely adequate expression through voluntary service programs such as those of the Brethren, Friends, and Mennonites.

The Brethren, for instance, will accept any man or woman over eighteen years of age for service of a year or more. Projects include relief centers, community services, and mental hospitals. We suggest that any groups with the motivation of the Western Unitarian Conference get in touch with the voluntary service programs of the historic peace churches or of their own church. Others who are interested in International Voluntary Service might write to l'Association du Service Civil Intern. at 9 rue Guy-de-la-Brosse, Paris 5e, France.

COs Pass Theological Test

When the 1948 Selective Service Act was passed it had a new definition with regard to COs.

The added sentence read:

"Religious training and belief in this connection means an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but does not include essentially political, sociological, or philosophical views or a merely personal moral code."

It was believed for awhile that this would be a very controversial innovation. However to date there has not been a single case in which the issue has arisen, and we have not heard of a single objector who has been denied his classification because of agnosticism.

Even among those who refuse to register Russell Branson of A.F.S.C. reports that not one has made an issue of his belief in a Supreme Being.

What Happened To—

Canine Pete

The Camper Who Barked at Visitors

Pete returned home after his discharge and found there a letter from a CO group telling him that they would be glad to help him find a job and naming the man in his area who was the local placement man. This person was very surprised to hear that he was the group representative in personnel matters. An appointment was arranged in a church which was the local popular rendezvous. At their meeting the placement man revealed that they were in a typical CO debacle: the placement man was out of work looking for a job. There were other obstacles familiar to all those who have been in CPS. The placement man did not believe in the profit system, so Pete got himself a job with Montgomery Ward. Issues might have become crucial at this point if circumstances had not intervened to separate the two.

(To be continued)

FOUR NAMES ADDED TO CONSULTATIVE COUNCIL

Since the April, 1949 *Reporter* carried a list of the Consultative Council members of the NSB, four new groups have been added.

Most commonly known among these is the Catholic Worker and the Commission on World Peace of the Methodist Church. Dorothy Day is the editor of the Catholic Worker, and Rev. Charles F. Boss, Jr. is the Executive Secretary of the Commission on World Peace.

Two of the less widely known of the new groups are the Evangelical Mission Covenant Church of America, of which Theodore W. Anderson is President, and the Pentecostal Fire-Baptized Holiness Church, of which A. O. Hood is General Secretary. Both of these churches participated actively in recent petitions addressed by NSB to the Department of Justice in connection with CO prosecutions.

The headquarters of the two groups are in Chicago, Illinois and Jefferson, Georgia respectively.

The Evangelical Mission Covenant Church is largely a Swedish body. In Sweden there is a Lutheran State Church. During the nineteenth century a free church movement developed there. This movement developed within the State Church and did not lead to a separate organization in Sweden. The immigrants to this country, however, did not feel at home in the historic atmosphere of the Swedish Lutheran churches in the United States and took steps between 1873 and 1885 which resulted in the formation of the Evangelical Mission Covenant Church.

The Lutheran conception of the teachings of the Bible is generally accepted, but full freedom is given to those holding other views in doctrinal matters. The Mission Covenant has not accepted any articles of faith as binding for the churches of the organization.

The Pentecostal Fire-Baptized Holiness Church came out of the Holiness movement of the South and Middle West in the United States. Its doctrine is Arminian, and therefore is related to historic Methodist doctrines. Foot washing is practiced in connection with the Lord's Supper.

The Mission Covenant had 11 men in CPS, and the Pentecostal Fire-Baptized Holiness Church, 3.

THE REPORTER

VOL. VI, No. 11 SEPTEMBER 30, 1949

Published monthly in the interests of peace, freedom of conscience and related activities.

NATIONAL SERVICE BOARD for RELIGIOUS OBJECTORS

941 Mass. Ave., N. W., Washington 1, D. C.

Subscription price:

Foreign or Domestic, $1.00 per year.

CAN A JURY FOLLOW ITS CONSCIENCE?

"My object all sublime,
I shall achieve in time,
To let the punishment fit the crime,
The punishment fit the crime."

The Mikado, Gilbert and Sullivan.

In the recent trials of nine non-registrants in Indianapolis, the prosecuting attorney in summarizing his case before the jury remarked that they should decide the case according to their consciences.

Harrop Freeman, for the defense, later called the attention of the jury to the remark. The judge said that if the remark had been made, it was incorrect.

Can a jury decide a case according to their consciences?

It is usually considered, for the sake of the defendant, that a jury must restrict itself to the instructions given by the judge. Defendants in criminal cases have many rights which must be strictly followed by the court and by everyone concerned; and if the jury were permitted to follow the lead of some individual inner-guide, it is ordinarily thought, that would be a great danger to the rights of the defendant. The defendant must be proved guilty beyond a reasonable doubt. A jury could not be permitted to go outside of that standard.

A common place for conscience to enter into the proceedings is at the request for probation after the verdict has been given. The March Reporter carried a comprehensive article covering the conscience of the judge in the probation proceedings.

Conscience, if it enters the proceeding at the probation stage, where the objector has lost some civil rights in being already adjudged guilty, can only benefit him, and therefore he will have no standing in court to complain if the judge uses conscience in the probation proceedings, as he might have if conscience entered the case somewhat earlier.

However, it was the April Reporter which pointed out that, if any objector defended that he lacked capacity to commit a crime, i. e., that he could not understand right from wrong *as the Selective Service Act defined them*, then the question of capacity might be one for the jury. A case was there quoted to the effect that the application of this test to a borderline situation *could be no more than a moral judgment that it is just or unjust to blame the defendant for what he did.* Therefore, there is at least one possible exception, when the jury is considering the issue of capacity, to the rule that a jury cannot make independent moral judgments.

Perhaps it is a fiction to pretend that conscience cannot direct the deliberations of a court at every stage. Judges admittedly allow custom to mold their interpretation of law, and conscience probably does so as often.

CONTRARY CONDITIONS PLACED ON PROBATION AND PAROLE

Although objectors have been given probation only to do overseas service, parole is not allowed for that purpose.

This difference may have its origin in the nature of probation and parole, or it may be a whimsical accident.

Probation is granted by the judge in the criminal proceeding at about the time of sentence. The defendant who receives probation never actually begins to serve sentence. The purpose of the institution may be in large measure to give expression to the conscience of the judge when he feels that imposition of sentence would work harm. (See Reporter for March, 1949.)

Parole on the other hand is granted by a parole board that works closely with the Department of Justice. It is an administrative rather than a judicial body. It grants parole to prisoners who are ready to go reintegrated with society, releasing them before their sentences are finished so that the Government may supervise and control the process of reintegration.

Therefore the patterns of parole lay greater stress on supervision than probationary procedures. Parolees are not permitted to go overseas because the Parole Officers cannot extend their effective jurisdiction that far.

We understand that even if the special parole for Selective Service violators is approved, the same will be true. (See Reporter for Sept. 10, 1949.) Only during the war emergency, and then only for brief crossings and quick return, as on cattleboats, did the parole board permit overseas service under the wartime special parole.

This distinction seems to have more theoretical than real validity when one considers the lack of science in granting or denying probation. A man may find himself applying for parole whose case is exactly like that of another who received probation. NSB would like to see the Department of Justice recommend probation in all CO cases that reach the stage of prosecution.

Brazil's Constitution Construed for Mennonites

Two Mennonite conscientious objectors in Brazil, Heinrich Boschmann and Peter Enns, were recently exempted by the Brazilian War Department from army service because of a provision in the Brazilian Constitution of 1946.

The Constitutional provision, Art. 141, § 8, reads:

"No one shall be deprived of any of his rights by reason of religious, philosophic or political conviction, unless he invoke it in order to exempt himself from any obligation, duty or service required by law of Brazilians in general, or refuse others which the law may establish as substitutes for those duties, with the object of pandering to a concientious excuse.

This statement is peculiarly worded, but a close analysis will show that the words "with the object of pandering" modify "invoke" and are the only condition on any exception to the general duty. Therefore, one may invoke the religious right to exempt himself from any service required by law of Brazilians in general; the only time when he can't invoke the right is when he is pandering to a religious excuse, or as we would say, when he is not in good faith.

It is notable that there was no other statute interpreting this article in the Constitution, and the Constitution alone, without further legislation, was the grounds for the exemption. The Constitutional provision is therefore more concise than our own.

SS Treats COs Fairly

According to Selective Service the total number of peacemakers classified IV-E reached 8,244 on July 31.

The large number of IV-Es is indicative of the general fairness in the administration of the CO provision. At the time of this writing there is only one case where National Headquarters of Selective Service has taken a different attitude from that of the NSB.

The number classified I-A-O is reported to be unknown.

What Would You Do?

A counsellor is advising a man who applied for IV-E. The man says that his local board and appeal board have both denied the claim. The counsellor asks NSB to take the case to Selective Service Headquarters. Selective Service refuses to review the case further because it maintains that the State Headquarters never denied the claim or acted on it. What would you do?

Answer on Page 4

Conscience Commanded — Refuse to Drill

The NSB here prints the experiences of two CO's in the army. The first man was erroneously classified and his experiences deal with his inability to accept the army regime. Therefore his statement is printed anonymously. The second man was a I-A-O who stuck to his position till the end of the war.

There was no uniformity of treatment of conscientious objectors in Army prisons during the war. Conditions ranged all the way from courteous treatment to things somewhat worse than those described in the accompanying account. The Corrective Division of the Army was opposed to such practices. It had some genuinely liberal personnel in its office; but in a large penal system, such practices can develop in individual installations, regardless of policy. Happily, we know of no cases like this under the present Service Act.

THE ARMY COMMANDED— CARRY A CARBINE

By Jack C. Buckle
Director of Admissions
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The first time I was faced with the decision as to whether or not I should accept a gun came in the early months of 1944 when an order was issued by General Douglas MacArthur's headquarters requiring the arming of all medical troops in the South Pacific area. Preparations were then being made for the invasion of Hollandia in Dutch New Guinea. After several days of thinking on the matter I unhappily decided to accept a carbine. Although no threats were made concerning a court martial if I refused I knew that the possibility existed and at that time I felt that I could be of better help to my friends if I continued to serve as a medic, rather than spending many months in prison for refusing to obey an order. Once a person has accepted the discipline of the army as a I-A-O, the only course open to him other than disobedience (with the attendant punishment) is to carry out orders. Others in my unit who were not I-A-O also objected because they felt they could not do their assigned work as a medic if they were burdened down with a gun and were forced to use it in their defense. They felt that psychologically, the availability of a gun would make them tend to thing more of their own safety rather than the care of wounded. Happily, I never met a situation that would require me to make a decision concerning the use of the gun. I felt when I accepted it that I would never use it, but I could never be sure of myself at that time what I would do in a situation. I was only 19 at the time and not as mature or sure of myself as I am at the present.

In the middle of August 1943, I reported for induction having been denied a proper classification.

Upon entering classification camp, I continued my protests in spite of the generous offering of clothing, food and shots, so the best that they could do with me now, was to put me in the Medical Corps.

Since no medical soldiers may carry guns according to the Geneva Convention after the first World War, the medical soldiers now at the camp must carry clubs when it was their turn for guard duty. It made no difference to me, they were both weapons of violence.

I prayed to God that last night of training to instill my weak self with a new strength of hope and courage. When the sun rose the next day, God never forgot, for it was on that day, that in spite of what humans would do to me, I would refuse any further orders.

I asked my platoon sergeant for permission to speak to the Master sergeant. The Master Sergeant then took me to see the Company Captain, who spoke to me further but to no avail. He became peeved and gave me a direct order to join my platoon in training, which I refused to do. I was led away to the guard house.

Work in the guard house consisted of the rockpile, receiving for a noon-day meal a very meager portion of food.

Within a few weeks I was given a last chance to reconsider my position by the Judge Advocate. Since I didn't desire any last chance, the next few days followed with a court martial of three years. On my fortieth day, I was sent to a Rehabilitation Center along with about five other prisoners. The Rehabilitation Center is a prison much similar to a Concentration Camp.

The drilling was done with artificial rifles. The head of this Rehabilitation Center was an old army Captain. He was the commandant and ruled accordingly as he saw fit. He was a hardened old man who detested CO's. This man couldn't even be approached with reason. He was interested in one thing, to rehabilitate all the men he could and send them back into army life.

"I Don't Care a Damn About Your Religion"

All new arrivals at the Center were taken before him in private. I remember walking into his office and standing before him. He began shouting and raving and said, "I don't care a damn about your religion, I know what you are and what you're going to say. While you're here you'll do what I say and like it. You'll drill out on the field and if you refuse to drill, you'll be sent to the 'Hole' for seven days on bread and water. When you come out, if you still refuse, you'll get seven more days until you drill. You people are nothing but a lot of cowards. Do you want the Japs to come here and rape your mother and your sisters?"

The "Hole" is a very small room within a room. It is very dark and you see no one, except the guard who will give you two slices of bread three times a day. I was to be there seven days. Torture or punishment of this kind is even worse than death.

I refused to eat the white bread they served and for three days the bread piled up outside my solitary cell. The hours drag on and the hunger pangs are beyond control. You keep getting visions of things to eat. At night you are tossed a couple of blankets which are taken away in the morning. The floor is hard and it is impossible to stretch while you sleep. If you have personal needs to attend to, you ask the guard who will take you to the latrine. That period of freedom lasts for only a few seconds.

I will disagree with anyone who says that some of the tortures used in the middle ages are no longer applied.

During the day small streaks of light will seep through the boards in the walls. All this time you stay in your underwear. Your beard grows and your weight shrinks. Sometimes during the day, the Captain would visit your cell and ask you if you still refused to drill. "You can't win here", he would say. "You better do what you're told and it will be a lot easier on you."

CO Joe Gets a Taste

I consented to drill but only under force. In a couple of weeks, I was taken outside the prison gates under guard before a psychiatrist. This man was tolerable, understanding, concerned about how I was getting along here. When I mentioned the "Hole" that I was in, he shook his head and said it was the worst thing they could do to people like me. He recommended no more drilling and I soon got a job tending the fires in the barracks.

I shall never forget CO Joe. I was glad to find a friend. CO Joe had a taste of the "Hole". He spent sixteen days in a row on bread and water. Joe was made a fireman too. No man who ever went to the "Hole" was to stay more than fourteen days without being given a meal. Somehow they lost track of Joe's time which cost him two more days. I remember seeing Joe when he came out. He was frightful to look at. Heavy growth of beard and face sunk in. Joe was doing a sentence of five years. He was in the medical corps.

I was four months to the day at the Rehabilitation Center. Since there was no use in trying to send me back to the army, after appearing before a board, I left for the prison in Kansas with seven others.

I never took any oath, and never accepted any pay. Had I accepted pay meant that I was agreeing with what I was doing. The fact that I trained in the Medical Corps was not important. On November 24, 1944 I left the prison gates. The army had to discharge me, so I was given a neutral discharge. This is neither honorable nor dishonorable.

WHAT WOULD YOU DO?

Answer to Problem on Page Two

A man cannot have his case considered by Selective Service Headquarters until after he has first exhausted his remedies with the local board and the state appeal board. It would prove of considerable embarrassment to NSB to be continually asking Selective Service to review cases here in Washington and to find out in the answers they give us that the state authorities have not yet had the opportunity to act. Before we will undertake, therefore, to ask the Washington Headquarters to dispose of the case, we must be sure that the local board and state headquarters have been properly contacted and have not proceeded according to law. Where our correspondent is not familiar with technical or legal thinking, we sometimes cannot know this until we have seen copies of the correspondence between the objector and his local board. It may be the objector himself who has made the mistake.

NBS urges counsellors who find cases that need our technical assistance to give us the name and address of the person involved when referring the case.

NSB Confines Advise To Technical Matters

Frequently the technical solution to a case is discovered only after prolonged correspondence in which the man mentions some little fact that he had omitted to mention in his first letter. It is our experience, however, in those cases where NSB never writes directly to the individual, but only has its correspondence through an intermediary, that a large number of cases are not straightened out.

NSB confines itself to giving advice on technical matters and leaves the guidance in philosophical and spiritual matters to the individual churches which support it. Therefore, the spiritual adviser has a place that no one else can fill with regard to the non-technical advice which is an essential part of every CO case.

Six Avenues Open to Detour ROTC

The school season is here again, and we expect that a few conscientious objectors will want to know something about the Reserve Officer Training Corps courses in land-grant colleges.

The first Morrill Act provides that the interest from funds acquired from the sale of certain lands will be appropriated to state colleges "where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe". With this strange wording federal monies were expended for the support of state schools.

The Attorney General in an opinion dated June 20, 1930, commented on "Courses in Military Tactics in Land-Grant Agricultural Colleges". He was of the opinion that the Morrill Act is satisfied if the colleges offer elective courses in military tactics. The Attorney General felt that since the words "military tactics" were associated in the statute with agriculture and the mechanic arts, Congress did not intend to make one any more compulsory than the others. The use of the words "leading object" persuaded him that Congress intended to repose discretion in the state or in the college on this subject.

Army Reserves Permit Withdrawals

To date, the policy of the federal government has been to let each college president decide whether he will make the course elective or required, on the theory that the federal government does not want to interfere in the educational policy of the school. There have been decisions on the question of whether a college must exempt a man who is a conscientious objector from ROTC under certain Articles of the Constitution. But those decisions were based to a great extent on the Schwimmer and MacIntosh cases which excluded CO's from American citizenship. Those cases have been reversed since, by the Girouard decision in the Supreme Court, and therefore the question might still be regarded as an open one.

A recent case was reported in California of a student who was excluded from the state university because he refused to take ROTC. However, in that case the student had never made formal application to be exempted. He was expelled only after he had stayed away from classes without making a request. The decision of the university authorities did not indicate that their intention was to exclude all objectors.

Students who apply to the college president for exemption, reminding him of the authority which he has under the Attorney General's decision, and who fail to obtain that exemption, still have another recourse. Army Regulation 145-10, Section IV, 23 says that the objector may apply to the professor of military science to make a recommendation to the president that he be allowed to drop the course; and possibly if the professor of military science refuses to make the recommendation, the objector may have the request forwarded through channels to the Corps Area Commander for decision.

If the college pesident, the professor of military tactics, and the Corps Area Commander fail, there are two alternatives left. The man may apply to the state legislature since the Morrill Act itself says, "in such manner as the legislatures of the States may respectively prescribe." This is obviously a rather select alternative open only to the capable few, since many state legislatures are more conservative than the army itself. However, it is worth noting for those who think that they might successfully use this channel.

Federal Security Agency Will Write Opinion

The other alternative is to apply to the Federal Security Agency for a legal opinion on the question of whether the conscientious objector must be made an exception. This would be an opinion of the same type as the Attorney General's. The Federal Security Agency was formed by the federal government after both of the above mentioned legal decisions on the subject of whether a CO must be exempted. It was an agency formed by the New Deal to take care of a scattered group of the Administration's social concerns, and it might be expected to produce something more liberal than objectors have had an opportunity to obtain in the past. Opinions of administrative agencies have considerable weight in the courts, and it would be desirable to obtain such an opinion before any objector attempted court action.

The final alternative of the objector would be court action to require his admission to the university although he refuses to take ROTC. Considering all of the possible forms of action that might be taken before that, however, it may be possible for objectors to dispose of their cases without the expense and trouble of formal proceedings.